

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Cathey et al.

Serial No.: 09/489,286

Filed: January 21, 2000

For: A FIELD EMISSION DISPLAY WITH
LOW WORK FUNCTION EMITTERS (as
amended)

Confirmation No.: 5649

Examiner: A. Patel

Group Art Unit: 2889

Attorney Docket No.: 2269-7129.2US
(1995-0582.02/US)

Notice of Allowance Mailed:

October 9, 2008

VIA ELECTRONIC FILING
JANUARY 6, 2009

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is filed in response to the Notice of Allowance mailed October 9, 2008, and sets forth Applicant's comments, pursuant to 37 C.F.R. §1.104(e), on the Examiner's Statement of Reasons for Allowance accompanying the Notice of Allowance.

In the Notice of Allowance, the Examiner indicates:

The following is an examiner's statement of reasons for allowance:

(1) Withdrawal of obviousness-type double patenting rejection in view of receiving two acceptable terminal disclaimer 09/18/2008; and (2) withdrawal of prior art rejection of former claims 33-39 in view of applicant's persuasive arguments regarding qualification of prior art under 35 U.S.C. 102 and 103 rejections.

Applicants concur with the reasons as stated by the Examiner insofar as they comprise a summary, which is exemplary and not limiting. However, the scope of the claims is based on the actual language of the claims and equivalents thereof, and not on a paraphrase or summary of the claim language.

The independent claims, as allowed, recite features and elements in addition to, and in different language than, those described in the Statement of Allowable Subject Matter. Furthermore, the dependent claims recite elements in addition to those of the independent claims, which are also not reflected in the **Statement of Reasons for Allowance**. Such additional elements, in combination with those of the independent claims from which each claim depends, provide additional reasons for patentability. Accordingly, the scope of the claims must be determined from the literal language of each as a whole, as well as all equivalents thereof.

Therefore, to the extent that the Examiner's reasons for allowance as stated are not relevant to, or wholly encompassing of, a particular claim, independent or dependent, Applicants assume that, pursuant to 37 C.F.R. §1.104(e), the Examiner has determined that the record of the prosecution as a whole of the application makes clear the reasons for allowing those claims. Further, it appears, pursuant to M.P.E.P. 1302.14, that the Examiner's Statements of Reasons for Allowance are not intended to encompass all of the reasons for allowance.

Serial No. 09/489,286

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tracey Harrach". The signature is fluid and cursive, with the first name "Tracey" and last name "Harrach" clearly distinguishable.

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TH/nj:ec

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